



PLEASE REPLY TO:  
LONG ISLAND OFFICE  
20 WEST MAIN STREET  
BAY SHORE, NY 11706  
TEL: (631) 969-3100  
FAX: (631) 969-3101

September 22, 2010

Hon. Robert D. Drain  
U.S. Bankruptcy Court  
Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601

Re: Zev Lewinson  
Case No.: 09-24078  
Our File No.: 01-034545-B02

Dear Judge Drain:

Please be advised that our office represents OneWest Bank, F.S.B. in the above-referenced bankruptcy matter. The settlement conference for the above matter is presently scheduled for October 25, 2010.

Pursuant to a letter dated August 11, 2010, attached hereto, the debtor's request to modify their loan was denied on the basis that the loan does not qualify for modifications due to contractual obligations with the owner of the loan. Our office contacted OneWest Bank, F.S.B. to request a more detailed explanation for the denial and were advised that they do not own this loan, but simply service the Mortgage on behalf of The Bank of New York who does not allow them to modify their mortgage loans at this time.

Very truly yours,

Frenkel Lambert Weiss Weisman & Gordon, LLP

BY: Raquel Felix

Raquel Felix, Esq.

cc: Robert S. Lewis, Esq., Attorney for Debtor  
Zev Lewinson, Debtor

NYC OFFICE:  
61 BROADWAY, SUITE 2020  
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NJ OFFICE:  
80 MAIN STREET  
WEST ORANGE, NJ 07052  
TEL: (973) 325-8800  
FAX: (973) 325-2264

## Important information about your mortgage.

Please read the detailed information provided below.

For information about  
additional alternatives to  
foreclosure that may be  
available please call  
1.888.280.6770.

IMD0810A 9000000079 00.0000.0001 40/1

Loan Number: 1004093322  
Reference Number: 1004093322Y5867  
MAT Instance Number: 1



Zev Lewinson  
1415 Queen Anne Rd  
Teaneck, NJ 7660-3521

August 11, 2010

Dear Zev Lewinson,

Thank you for your recent request to modify the terms of your mortgage serviced by IndyMac Mortgage Services, a division of OneWest Bank®, FSB.

Since 2009, the Home Affordable Modification Program, also known as HAMP, has helped many homeowners experiencing financial hardship avoid foreclosure. IndyMac Mortgage Services adopted HAMP to better assist our customers who are having trouble making their mortgage payments. By signing up for HAMP, IndyMac Mortgage Services has agreed to follow the rules and guidelines that have been established by the United States Department of the Treasury. While this program is designed to help borrowers who are experiencing a financial hardship, not all borrowers will meet the eligibility requirements established by the Department of the Treasury, and therefore, not all borrowers are eligible for a HAMP loan modification.

**In reviewing your loan for a possible modification, we have determined that your loan does not qualify for HAMP due to our contractual obligations with the owner of your loan. IndyMac Mortgage Services performs loan servicing for numerous different owners and, in each case, a servicing agreement with the owner of the loan governs our actions. HAMP requires the servicer to comply with the terms of their servicing contract with the owner of the loan. This requirement prohibits us from modifying your loan at this time.**

If you have questions regarding any of the information included in this letter, please do not hesitate to call us at 1.888.280.6770. We also strongly encourage you to consult a HUD-approved housing counselor to discuss potential alternatives for reducing expenses not related to your primary mortgage at 1.800.569.4287. If you need assistance understanding this notice, you can call 1.888.995.HOPE and ask for MHA help at no charge.

We regret that we are unable to modify the terms of your loan but are interested in working with you to determine if there are any further alternatives to foreclosure that fit your circumstances. We encourage you to call us at 1.888.280.6770 to discuss possible solutions such as a short sale or deed-in-lieu of foreclosure. A short sale is an alternative to foreclosure that allows homeowners who can no longer afford their mortgage payments to sell their home at a market value that is less than the total amount owed. A deed-in-lieu of foreclosure allows a borrower to settle a loan that is in default by transferring ownership of the mortgaged property to the lender.

Sincerely,

IndyMac Mortgage Services, a division of OneWest Bank®, FSB

Call Toll Free  
Monday - Friday, 8 a.m. - 9 p.m. (EST)  
Saturday, 9 a.m. - 6 p.m. (EST)

IndyMac Mortgage Services will continue to service your loan in accordance with the terms of your existing Note. Late mortgage payments will be reported to the credit bureaus, and failure to make payments as currently required will impact your credit rating and may ultimately result in foreclosure action.



**This company is a debt collector and any information obtained will be used for that purpose. However, if you have filed a bankruptcy petition and there is either an "automatic stay" in effect in your bankruptcy case, or your debt has been discharged pursuant to the bankruptcy laws of the United States, this communication is intended solely for informational purposes.**

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DEH

You have 30 calendar days from the date of this notice to contact IndyMac Mortgage Services to discuss the reason for non-approval for a HAMP modification or to discuss alternative loss mitigation options that may be available to you. Your loan may be referred to foreclosure during this time, or any pending foreclosure action may continue. However, no foreclosure sale will be conducted and you will not lose your home during this 30-day period.